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Paper No. 22

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In re Application of  
LEIJON et al.  
Application No.09/194,560  
Filed: March 29, 1999  
Attorney Docket No. 66291-163-2

DECISION  
ON PETITION

This is a decision on the petition, filed March 22, 2002 requesting that the prosecution in the above-identified patent application be suspended for a period of six months under 37 C.F.R. § 1.103(a), and an additional six months, pursuant to MPEP § 1002.02(c)9, for a total of twelve months, beginning with the filing of the subject Petition.

Regarding a suspension on request of the applicant, 37 CFR 1.103(a) provides:

(a) Suspension for cause. On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:

- (1) A showing of good and sufficient cause for suspension of action; and
- (2) The fee set forth in § 1.17(h), unless such cause is the fault of the Office

In the Request, to establish cause, Petitioner asserts the claims and issues of the instant application are relevant to the claims and issues in at least U.S. Application No. 08/973,019 which Petitioner has appealed. Further, because the appeal of '019 will materially affect the prosecution of the instant application, the instant application should be suspended pending the decision on appeal of '019.

A review of the record indicates the instant application has claims and issues that are relevant to appealed case '019. The claims in the instant application and appealed case '019 are both directed toward the particular structure of the high voltage cable. Consequently, since the

outcome of appealed case '019 will materially affect prosecution of the instant application, good and sufficient reasons have been demonstrated to warrant suspension of action.

A further review of the record indicates that the petition was filed with the Request For Continued Prosecution Application (CPA) and submission on March 22, 2002. As such, the final rejection dated May 28, 2002, was mailed in error and is hereby VACATED.

For the above reasons, the petition to suspend prosecution is GRANTED for a period of up to twelve (12) months starting from the filing of petition, March 22, 2002.

Inquiries regarding this decision should be directed to Richard Seidel at (703) 306-3431.



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